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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 February 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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Item 6:

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

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Consideration of draft resolutions submitted under the following agenda items:

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development
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The meeting was called to order at 3.45 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS SUBMITTED UNDER THE FOLLOWING
AGENDA ITEMS:

- Item 5: VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE
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- Item 6: THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF
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- (b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE
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E/CN.4/1990/2, chapter I B, draft decision 2 and E/CN.4/1990/75)

(continued)

Draft resolution E/CN.4/1990/L.18

1. Mr. BLAVO (Ghana), introducing draft resolution E/CN.4/1990/L.18, said it was clear from the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) that children under the age of 18 continued to be arrested and held in detention, and subsequently tortured and subjected to inhuman or degrading treatment. The draft resolution before the Commission was therefore essentially the same as that of the previous year, but for some updating and the addition of one or two paragraphs.

2. Since the interim report of the Ad Hoc Working Group of Experts made no reference to "rehabilitation camps" or "re-education centres", it could be assumed that such establishments had been dismantled. No reference was therefore made to them in the draft resolution.

3. He noted with satisfaction that the pressure exerted by the Commission on the South African régime had had an effect since, as the Ad hoc Working Group of Experts reported, there were now fewer children in detention. It would appear from the report, however, that children released from detention did not fully enjoy freedom of movement and association or the right to education and health. Draft resolution E/CN.4/1990/L.18 therefore contained new provisions calling on South Africa to lift those restrictions.

4. Owing to the positive developments in the situation in Namibia, that country was not referred to in the draft resolution. Despite the significant changes which had occurred in South Africa, including the recent release of Nelson Mandela, the international community should continue to apply all

existing measures until apartheid was totally eradicated and a non-racial and democratic society established in that country. The sponsors of the draft resolution consequently hoped that it would be adopted without a vote.

5. The CHAIRMAN said that India, Nicaragua and the Syrian Arab Republic had joined the sponsors of the draft resolution. Draft resolutions E/CN.4/1990/L.20 and L.21/Rev.1 and draft resolution VII contained in chapter I A of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1990/2) would be put to the vote on Tuesday, 27 February at the afternoon meeting.

Draft resolution E/CN.4/1990/L.17/Rev.1

6. Mr. OMAR (Observer for the Libyan Arab Jamahiriya), introducing draft resolution E/CN.4/1990/L.17/Rev.1, said that the sponsors had taken into account the unfolding situation in South Africa as well as other United Nations decisions on the question of apartheid. He hoped that the Commission on Human Rights would once again be able to adopt without difficulty the draft resolution on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, thus demonstrating the resolve of the international community to dismantle the odious system of apartheid and establish in South Africa a democratic system based on equality and the rule of law.

7. The CHAIRMAN announced that India, Iraq, Nicaragua and the Syrian Arab Republic had joined the sponsors of the draft resolution.

Draft resolution E/CN.4/1990/L.19

8. Mr. SENE (Senegal), introducing draft resolution E/CN.4/1990/L.19, said that the draft had been prepared on the basis of Commission on Human Rights resolution 1989/9, Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/19 and General Assembly resolution 44/52, and of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1990/36).

9. Recent events in South Africa, exemplified by the release of Nelson Mandela, gave reason to believe that mankind could rid itself of the scourges of racism, racial discrimination and apartheid.

10. The sponsors hoped that a spirit of unity and consensus would once again prevail at the Commission's session and that draft resolution E/CN.4/1990/L.19 would be adopted without a vote.

11. The CHAIRMAN invited the Commission to pronounce on the draft resolutions which had just been introduced.

12. Draft resolution E/CN.4/1990/L.18 was adopted without a vote.

13. Mr. RAVEN (United Kingdom), explaining his delegation's position, said that the text that had just been adopted was largely a historical one given the changes in the situation in South Africa. According to the latest information, it would appear that there were no longer any children in detention in South Africa and that only 15 persons in the whole country were

still being held in detention without charge. He was given to understand, moreover, that children were no longer subjected to restrictive measures in South Africa.

14. The United Kingdom would therefore have preferred the sixth preambular paragraph and operative paragraphs 2 and 3 to reflect more accurately the actual situation in South Africa. In addition, he wished to make it clear that the reference in paragraph 7 to "concrete and effective measures" should not be interpreted as in any way modifying his Government's well-known position on sanctions.

15. At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call on the sixth, seventh, ninth and twelfth preambular paragraphs and on operative paragraphs 9, 10, 15 and 16 of draft resolution E/CN.4/1990/L.17/Rev.1.

16. Japan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Hungary, Italy, Japan, Spain, Sweden.

17. The sixth, seventh, ninth and twelfth preambular paragraphs and operative paragraphs 9, 10, 15 and 16 of draft resolution E/CN.4/1990/L.17/Rev.1 were adopted by 30 votes to 7, with 6 abstentions.

18. At the request of the representative of the United Kingdom, a vote was taken by roll-call on the thirteenth preambular paragraph of draft resolution E/CN.4/1990/L.17/Rev.1.

19. Iraq, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Japan, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Bulgaria, Hungary, Italy, Spain, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

20. The thirteenth preambular paragraph of draft resolution E/CN.4/1990/L.17/Rev.1 was adopted by 26 votes to 8, with 9 abstentions.

21. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1990/L.17/Rev.1 as a whole.

22. Panama, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden.

23. Draft resolution E/CN.4/1990/L.17/Rev.1 was adopted by 32 votes to 2, with 9 abstentions.

24. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic), speaking in explanation of vote after the vote, said that, in regard to the thirteenth preambular paragraph of draft resolution E/CN.4/1990/L.17/Rev.1, the Ukrainian SSR had abstained because the paragraph did not adequately reflect the content of paragraph 32 of the report adopted by the Group of Three at its thirteenth session, in January 1990.

25. Mr. COTTAFAVI (Italy) said that his delegation had abstained in the votes on draft resolution E/CN.4/1990/L.17/Rev.1, because it felt that the latter did not take sufficiently into account the evolution of the situation in South Africa and did not contribute to abolishing apartheid. All the resolutions on South Africa should be more thoroughly negotiated and reflect more clearly the convergence and divergence of views on the subject.

26. Mr. GROLIG (Federal Republic of Germany) said that his delegation had always condemned the system of apartheid because it was a flagrant violation of human rights and should be abolished. However, his delegation had abstained on the vote on draft resolution E/CN.4/1990/L.17/Rev.1 because the International Convention on the Suppression and Punishment of the Crime of Apartheid did not, in its view, contribute to eliminating apartheid because it was itself defective in certain respects, chief of which was its failure to define exactly what violations it covered.

27. Furthermore, his delegation had voted against some of the paragraphs of the draft resolution because it felt that genocide had been clearly defined in the Convention on the Prevention and Punishment of the Crime of Genocide and that only States parties to the Convention or the appropriate international bodies were competent to pronounce on its interpretation. In addition, the

International Convention on the Suppression and Punishment of the Crime of Apartheid was applicable only to those States which had ratified it and to the citizens of those States, and any attempt to extend the area of its application was a contravention of the principles of international law.

28. Mr. SELEPENG (Botswana) said that his delegation had voted in favour of draft resolution E/CN.4/1990/L.17/Rev.1 because apartheid constituted a denial of the principles of the Charter of the United Nations, a flagrant violation of human rights and a crime against humanity, which should be eliminated. Nevertheless, his delegation had reservations about the thirteenth preambular paragraph and operative paragraph 10 of the draft because there was an implicit reference to economic sanctions which Botswana did not have the means to apply. However, it did not wish to prevent others who were in a position to do so from taking action.

29. Ms. BOZHKOVA (Bulgaria) said that her delegation had voted in favour of draft resolution E/CN.4/1990/L.17/Rev.1 as a whole because it agreed with the general content and because Bulgaria was a party to the Convention. It had, however, decided not to sponsor the draft because it had reservations about some of the terms used in it. Furthermore, her delegation had abstained in the vote on the thirteenth preambular paragraph because it felt that it was inappropriate in view of the evolution of the situation in South Africa and that it went beyond the consensus which had produced the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the special session of the General Assembly on apartheid in December 1989.

30. Mr. MALGINOV (Union of Soviet Socialist Republics) said that his delegation had voted in favour of draft resolution E/CN.4/1990/L.17/Rev.1 as a whole but had abstained in the vote on the thirteenth preambular paragraph because the paragraph did not take into account the need to maintain a consensus with respect to the fight against apartheid. Pressure should continue to be exercised on the South African authorities to end that system and all States members of the United Nations should consult in order to find the best way of doing so. In that connection, he stressed the importance of the adoption by the General Assembly of the Declaration on Apartheid, at its special session in December 1989. The Commission could usefully draw on the provisions of that Declaration, particularly paragraph 9 (b) and (d), in order to have a draft resolution on that question adopted by consensus.

31. Mrs. AMEGLIO (Panama) said that her delegation had voted in favour of draft resolution E/CN.4/1990/L.17/Rev.1 because it had no serious reservations about the thirteenth preambular paragraph.

32. Ms. LEADER (United States of America) recalled that the United States attached considerable importance to the elimination of all forms of racism, including apartheid. The United States could not, however, sign an international convention that described apartheid as a crime against humanity, because such a term was too ambiguous and too general and, according to the definition given in the Convention, it could be applied to any act committed not only in South Africa but also in any other State where racial discrimination existed. Furthermore, the Convention also contained some very general provisions under which a State could exercise extraterritorial jurisdiction over any persons who were guilty of or accomplices in such acts even if they were not nationals of that State. Consequently, her delegation had voted against draft resolution E/CN.4/1990/L.17/Rev.1.

33. The CHAIRMAN invited the members of the Commission to take a decision on draft resolution E/CN.4/1990/L.19.

34. Draft resolution E/CN.4/1990/L.19 was adopted without a vote.

35. Ms. LEADER (United States of America) said that her delegation had not participated in the adoption of draft resolution E/CN.4/1990/L.19 because the United States had not taken part in any of the activities undertaken within the framework of the First or Second Decade to Combat Racism and Racial Discrimination, since the adoption by the General Assembly of resolution 3379 (XXX) equating zionism with racism.

36. The CHAIRMAN invited the members of the Commission to pronounce on draft decision 2, concerning agenda item 16, contained in chapter I B of the report of the Sub-Commission (E/CN.4/1990/2) and entitled "Measures to combat racism and racial discrimination and the role of the Sub-Commission".

37. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), replying to a question by the representative of the United States concerning the financial implications of draft decision 2, said that, as indicated on page 164 of the Sub-Commission report (E/CN.4/1990/21, annex II), the cost of offset reproduction and distribution of the Special Rapporteur's final report in the six United Nations official languages was estimated at \$US 7,100 for 1990. It was for the Budget Section to decide whether or not that amount could be charged to the regular United Nations budget.

38. Mr. SCOTT (United States of America) said that, in those circumstances, his delegation would request that a vote should be taken on draft decision 2.

39. Draft decision 2 was adopted by 39 votes to 1, with 2 abstentions.

40. Mr. RAVEN (United Kingdom), speaking in explanation of vote after the vote, said that his delegation had abstained in the vote on draft decision 2 because it was not convinced that the cost of the activity envisaged could be financed under the 1990-1991 work programme. According to the report of the Sub-Commission, no modification should be made to that work programme, and it was therefore not planned to request additional funds within the framework of the programme budget for the present biennium.

CONSIDERATION OF DRAFT RESOLUTIONS SUBMITTED UNDER THE FOLLOWING AGENDA ITEMS

Item 7: QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (E/CN.4/1990/L.23, L.27, L.28, L.31/Rev.1 and L.33)

Item 8: QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (E/CN.4/1990/L.24)

Item 17: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (E/CN.4/1990/L.22 and L.32)

Item 18: EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (E/CN.4/1990/L.29 and L.30)

Draft resolution E/CN.4/1990/L.23

41. Mrs. RADIC (Yugoslavia), introducing draft resolution E/CN.4/1990/L.23, said that the main aim of the draft was to request the Secretary-General to collect the relevant information and substantive views and comments on the study on popular participation (E/CN.4/1985/10 and Add.1 and 2) and to submit a report on the subject to the Commission at its forty-seventh session. His delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution E/CN.4/1990/L.27

42. Mr. GOMPERTZ (France), introducing draft resolution E/CN.4/1990/L.27 entitled "Human rights and extreme poverty" on behalf of the sponsors, recalled that the Commission, in its resolution 1989/10 of 2 March 1989, had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give particular attention to extreme poverty and exclusion from society and to examine the feasibility of a study on that subject. The question of the link between human rights and extreme poverty had been raised during the Global Consultation on the Right to Development and also addressed by the General Assembly in its resolution 44/148 as well as by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk, in his study on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). The time had now come to tackle the matter. Therefore, in draft resolution E/CN.4/1990/L.27, the Commission requested the Sub-Commission to carry out a specific study of that question.

43. He noted that the last preambular paragraph of the draft resolution had been amended to read: "Aware of the need for a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights". In addition, the last phrase of paragraph 3, which ran "and the duty to guarantee full enjoyment of human rights" had been replaced by the following wording: "and the capacity for full enjoyment of human rights". The text of the draft resolution as amended was much more coherent and his delegation hoped that it would be adopted by consensus.

Draft resolution E/CN.4/1990/L.28

44. Mr. ALVAREZ VITA (Peru) said that an amended version of the draft resolution (E/CN.4/1990/L.28/Rev.1) would be issued and it would be wise to wait until it was distributed.

45. The CHAIRMAN said that Kenya, Nicaragua and Zaire had become sponsors of draft resolution E/CN.4/1990/L.28. She suggested that, in the light of the request by the representative of Peru, the text should be examined on the afternoon of 27 February.

46. It was so decided.

Draft resolution E/CN.4/1990/L.31/Rev.1

47. Mrs. RICO (Spain), introducing draft resolution E/CN.4/1990/L.31/Rev.1 on behalf of the sponsors, recalled that the Universal Declaration of Human Rights and the two International Covenants on Human Rights recognized the right to form and to join trade unions, which demonstrated the close link between economic, social and cultural rights and civil and political rights. The sponsors were of the opinion that the Commission should in future concern itself more with trade union rights. Conscious as they were of the crucial and historical role played by the International Labour Organisation in that regard, they were appealing to States to allow the free exercise of trade union rights and called upon them in operative paragraph 3 to ratify ILO Conventions Nos. 87 and 98. She hoped that the draft resolution would be adopted by consensus.

48. The CHAIRMAN announced that Ireland, Morocco, the Philippines and Uruguay had joined the sponsors of draft resolution E/CN.4/1990/L.31/Rev.1.

Draft resolution E/CN.4/1990/L.33

49. Mrs. DOS SANTOS PAIS (Portugal), introducing draft resolution E/CN.4/1990/L.33 on behalf of the sponsors, pointed out that the text drew heavily on resolution 1989/13 adopted by the Commission the previous year. It reaffirmed the importance of the progress achieved by the international community with respect to the setting of standards for economic, social and cultural rights and the need to strengthen the implementation of existing principles. In both those areas, the Committee on Economic, Social and Cultural Rights played a vital role. It had adopted a new general comment on article 22 of the Covenant and, at its previous session, it had devoted one day to a general discussion on the right to housing. It had also invited Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to begin a dialogue on the realization of economic, social and cultural rights. In the draft resolution before the Commission, the latter was asked to welcome the preliminary report of Mr. Türk and to invite him, when preparing a progress report, to take into account the comments made in the Commission on Human Rights. Recalling that the draft resolution was the result of wide-ranging consultations between delegations and regional groups, she expressed the hope that it would be adopted without a vote.

50. The CHAIRMAN announced that Cameroon, the Gambia and Nicaragua had become sponsors of draft resolution E/CN.4/1990/L.33.

Draft resolution E/CN.4/1990/L.24

51. Mrs. RADIC (Yugoslavia), introducing draft resolution E/CN.4/1990/L.24 on behalf of the sponsors, highlighted the importance of the principles contained in the Declaration on the Right to Development and of the Global Consultation held in Geneva in January. In paragraph 3 of the draft, the Secretary-General was requested to communicate the report of that Consultation (E/CN.4/1990/9) to Governments, relevant United Nations bodies, specialized agencies and other intergovernmental, governmental or non-governmental organizations concerned with a view to obtaining concrete comments and proposals for further international and national action. On the basis of the information supplied, the Secretary-General would submit a comprehensive report to the Commission at its forty-seventh session.

52. In addition, it was recommended that the Economic and Social Council and the General Assembly should consider the question of the right to development, including the conclusions and recommendations of the report on the Global Consultation, and that the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights should continue to co-ordinate the various activities with regard to the implementation of the Declaration.

53. Since the elements of the draft had already been approved by either the General Assembly or the Economic and Social Council, she hoped that it would be adopted by consensus.

54. The CHAIRMAN announced that Algeria, Bangladesh, Cameroon, Kenya, Nicaragua, Somalia, the Syrian Arab Republic, the United Republic of Tanzania and Zaire had joined the sponsors of draft resolution E/CN.4/1990/L.24.

Draft resolution E/CN.4/1990/L.22

55. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1990/L.22 on behalf of the sponsors, stressed the need for strict observance of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. One hundred States had already ratified or acceded to the Convention and their example should be followed by those which were not yet parties. The text was a clear and simple one and he hoped that it would be adopted by consensus.

56. The CHAIRMAN announced that the Philippines and the Syrian Arab Republic should be added to the list of sponsors of draft resolution E/CN.4/1990/L.22.

Draft resolution E/CN.4/1990/L.32

57. Mr. RONQUIST (Sweden), introducing draft resolution E/CN.4/1990/L.32 on behalf of the sponsors, who had been joined by the Philippines and Spain, said that the draft made an appeal to all States to become parties to the two International Covenants on Human Rights and invited the Secretary-General to intensify systematic efforts to that end. He hoped that the draft would be adopted by consensus, as similar resolutions submitted to the Commission in previous years had been.

58. The CHAIRMAN announced that Cameroon, the Gambia, Nicaragua and the Syrian Arab Republic were also sponsors of the draft resolution.

Draft resolution E/CN.4/1990/L.29

59. Ms. ANDREYCHUCK (Canada) said that judging from the consultations being held, an early consensus could be expected on draft resolution E/CN.4/1990/L.29 and asked that consideration of it should be postponed slightly.

60. The CHAIRMAN suggested that that draft, too, should be studied on the afternoon of 27 February.

61. It was so decided.

Draft resolution E/CN.4/1990/L.30

62. Mr. BENEDETTI (Italy), introducing draft resolution E/CN.4/1990/L.30 on behalf of the sponsors, recalled that the Commission, in its resolution 1989/46, which had been adopted by consensus, had requested the Secretary-General to appoint a task force to study the computerization of the work of the treaty monitoring bodies in relation to reporting. The proposal had first been made by the chairpersons of human rights treaty bodies, at their meeting in Geneva in October 1988. The study requested had been published in document E/CN.4/1990/39 and had suggested that given the scale and complexity of the work of those bodies there might be three possible scenarios: firstly, a major increase in the number of staff available to those bodies, which was highly unlikely because of the existing financial constraints; secondly, ignoring their requirements, which would have serious consequences for the entire United Nations human rights protection system; thirdly, a gradual computerization of their work. The sponsors felt that the third option was the only valid one. They were aware that the necessary resources could not be provided from the United Nations regular budget and, therefore, they appealed to the generosity of Member States to meet the estimated initial one-time cost of the proposed system. They also recommended that the Economic and Social Council should approve the annual recurrent cost of the proposed system and authorize that it should be charged to the programme budget for the biennium 1992-1993. That option would therefore have no financial implications for the 1992-1993 biennium. He hoped that draft resolution E/CN.4/1990/L.30 would be adopted by consensus.

63. The CHAIRMAN announced that Morocco had become a sponsor of the draft resolution.

64. Mr. STEEL (United Kingdom) asked the Secretariat to confirm that there would be no financial implications for the present biennium.

65. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) noted that in the draft before the Commission, Member States were asked to pay contributions to set up the proposed system, which would become operational in about 18 months' time. There would, therefore, be no financial implications for the present biennium, as could be seen from paragraph 7, where annual financing was requested for the 1992-1993 biennium.

66. The CHAIRMAN invited the Commission to pronounce on the draft resolutions that had just been introduced.

67. Draft resolutions E/CN.4/1990/L.23, L.27, L.31/Rev.1 and L.33 were adopted without a vote.

68. Mr. JOHNSON (United States of America), explaining his position before the Commission took a decision on draft resolution E/CN.4/1990/L.24, concerning "Question of the realization of the right to development", said that he would not participate in that decision. While his delegation understood and shared the concern that high priority should be given to economic progress, it nevertheless continued to believe that resolution which attempted to elevate economic and social goals to the level of fundamental civil and political rights of individuals or which dealt with rights applicable to States rather than to individuals did not advance the work of the Commission.

69. His delegation had no doubt that the draft resolution would be adopted without a vote, but wished it to be reflected clearly in the report on the work of the forty-sixth session of the Commission that although draft resolution E/CN.4/1990/L.24 had been adopted without a vote, his delegation had not taken part in that action and therefore the draft had not been adopted by consensus.

70. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that the draft resolution under consideration had no financial implications, because the cost of publishing and distributing the report on the Global Consultation, estimated at \$US 1,900, could be regarded as having already been included in the programme budget for the 1990-1991 biennium.

71. Draft resolution E/CN.4/1990/L.24 was adopted without a vote.

72. Draft resolutions E/CN.4/1990/L.22, L.32 and L.30 were adopted without a vote.

73. The CHAIRMAN announced that the Commission had concluded adoption of the draft resolutions and invited members to explain their positions.

74. Mr. VELASQUEZ (Panama) said that his delegation had joined in the consensus on the draft resolution dealing with popular participation (E/CN.4/1990/L.23) but wished it to be noted that it understood the concept of "popular participation" to mean "participation by the majority of the population", and that it did not have the meaning often attributed to it by dictatorial régimes.

75. Mr. ALVAREZ VITA (Peru) said that his delegation had joined the consensus which had permitted the adoption of draft resolutions E/CN.4/1990/L.27, L.31/Rev.1 and L.33, the basic points of which it approved in the spirit and in the letter. However, it had already explained to the sponsors its reservations about the terms "interrelated" in English and "interrelacionados" in Spanish, which had been used in draft resolution E/CN.4/1990/L.31/Rev.1 and L.33 to highlight the link between civil and political rights on the one hand and economic, social and cultural rights on the other. It was established United Nations practice as well as international doctrine on the subject that those groups of rights should be described as "interdependientes" ("interdependent"). The expression "relacionados entre sí" ("interrelated") that was used in draft resolution E/CN.4/1990/L.27 was also unacceptable. On that subject, it should be remembered that at its fourth session, the Committee on Economic, Social and Cultural Rights had clearly indicated that the two groups of rights should not be qualified as being "linked" but as being "interdependent".

76. His delegation hoped that, at the next session, the accepted terms would be used again in draft resolutions submitted under agenda item 7, so that his country could be a sponsor.

77. Mr. STEEL (United Kingdom) recalled his country's position on the right to development (draft resolution E/CN.4/1990/L.24), which had been fully explained during the debate on agenda item 7. His country had, accordingly, abstained in the vote by which the Declaration on the Right to Development had been adopted in 1986. The same position held for draft resolution E/CN.4/1990/L.24.

78. The proposals contained in draft resolution E/CN.4/1990/L.30 should be examined closely by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). It was the competent body on the subject and would be certain to ask for detailed justification of the measures contemplated as well as a cost effectiveness study. His delegation had taken note of the amounts made available to the Commission under section 23 of the programme budget and hoped that the expenses incurred or the proposals set forth in the draft resolution would be covered as far as possible by the regular budget.

79. Mr. SEZAKI (Japan) praised the efforts made by the sponsors of draft resolution E/CN.4/1990/L.22 although, in the opinion of his delegation, the question of the status of the Convention on the Prevention and Punishment of the Crime of Genocide should be dealt with under a separate agenda item. That instrument and the two International Covenants on Human Rights were of a completely different nature and should be discussed separately in future.

80. His delegation had been most reluctant to join the consensus on the draft resolution on the right to development (E/CN.4/1990/L.24). Development was quite rightly one of the main concerns of all countries, especially developing countries, and every State had the primary responsibility to ensure for its citizens conditions which would be conducive to the realization of economic, social and cultural rights. It also had the right to do so. One could not, however, equate the concept of the right to development with that of a human right. Fundamental human rights, as expressly defined in the Universal Declaration of Human Rights and in the two International Covenants on Human Rights, meant the rights of individuals and not of States.

81. Furthermore, his delegation thought it was inappropriate to request the Secretary-General to transmit the report on the Global Consultation to the special session of the General Assembly in April 1990 (operative paragraph 3) or to recommend that the Economic and Social Council and the General Assembly should discuss the matter of the right to development, including the conclusions and recommendations contained in the report. The requests made in operative paragraphs 6, 7 and 8 appeared to be equally premature.

82. His delegation had joined the consensus on the draft resolution entitled "Human rights and extreme poverty" (E/CN.4/1990/L.27) and welcomed the amendments made by the delegation of France. None the less, it feared that introducing the concept of "human rights based on solidarity", which had been the subject of a General Assembly resolution referred to in the ninth preambular paragraph and in operative paragraph 2, might lead to confusion, because that concept was far from being clear to everyone. He therefore found it difficult to examine the question of "Human rights based on solidarity" at the same time as the question of "Human rights and extreme poverty".

83. Mrs. MAEDER-METCALF (Federal Republic of Germany) indicated that, in a spirit of co-operation, her delegation had again joined the consensus on draft resolution E/CN.4/1990/L.24 concerning the right to development. It had noted with satisfaction the report of the Global Consultation on the Right to Development as a Human Right, which in its opinion duly reflected the various views expressed on the subject. Nevertheless, her delegation's position concerning the 1986 Declaration on the Right to Development remained unchanged.

84. Her Government attached great importance to the principle of international solidarity and continued to take measures to promote it.

85. Ms. FERRIOL (Cuba) endorsed the comments of the delegation of Peru concerning the terms used in draft resolutions E/CN.4/1990/L.27, L.31/Rev.1 and L.33 to describe the link between economic, social and cultural rights on the one hand and civil and political rights on the other. The established practice of the Commission and of the General Assembly was that in every case those two groups of rights should be described as interdependent (interdependientes).

86. Mr. TAUCHI (Japan) noted that his delegation understood the term "contributions" used in paragraph 5 of draft resolution E/CN.4/1990/L.30 to mean "voluntary contributions by Member States". Furthermore, it understood that the Economic and Social Council was not authorized to decide on budgetary matters and therefore reserved its position on the financing of the system whose establishment was recommended in paragraph 7 of the text.

87. The CHAIRMAN announced that the Commission had completed consideration of items 8, 15, 16 and 17 of its agenda.

The meeting rose at 6 p.m.